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RESEARCHING WORKERS' COMPENSATION APPEALS TRIBUNAL DECISIONS

Prepared by the Information Department of the Workers' Compensation Appeals Tribunal of Ontario

The Workers' Compensation Appeals Tribunal provides written reasons for all of its decisions. Each decision is summarized and assigned keywords which identify the salient issues determined in that decision. Summaries and the full text of each decision are available to the public in both print and electronic form. The Tribunal produces a number of publications which are designed to facilitate the effective research of its decisions. It has also arranged for its decisions to be available on several databases for computer-assisted research.

The Workers' Compensation Appeals Tribunal Information Department is located on the 7th Floor at 505 University Avenue, Toronto, Ontario M5G 1X4 (416) 598-4638 FAX (416) 979-8324

For photocopies of decisions released by the Appeals Tribunal contact the Information Department at 598-4638 extension 205. Those wishing to subscribe to any of the Tribunal's publications should call 598-4638 extension 208.

N.B. In order to further improve access to the Tribunal's decisions, the Numerical Index of Decisions has been replaced by a new publication, the Decision Digest Service, effective December 1989. The new publication consists of four parts: the Table of Cases, the Decision Summaries, the Monthly Keyword and the Monthly Annotated Statute. The parts are updated monthly by cumulative releases.

The Master List of Decisions, the cumulative Keyword Index, the cumulative Annotated Statute and the Section 15 Index will all continue to be published and can be stored together in a convenient Cumulative Index binder.

The WCAT Reporter remains in its current format.

PUBLICATIONS

Numerical Index of Decisions, Decision Summaries

A summary of every Tribunal decision can be found either in the Numerical Index of Decisions or in the Decision Summaries segment of the Decision Digest Service. Decisions released up to December 1989 are found in the Numerical Index of Decisions. Those released subsequently will be located in the Decision Digest Service.

Master List of Decisions, Table of Cases

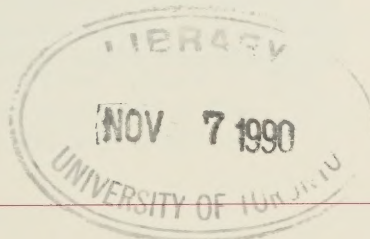
These are lists of decisions which refer the user to the location of the summary for any Tribunal decision (either in the Numerical Index of Decisions or in the Decision Digest Service). If the decision has been selected for the WCAT Reporter, the appropriate Reporter citation is indicated. The release date of each decision is also provided.

Keyword Indices (Keyword Index of Decisions Volumes 1, Monthly Keyword, cumulative Keyword Index)

These indices consist of alphabetized lists of terms which are used to classify the numerous issues that arise on Tribunal appeals. The terms are derived from the Ontario *Workers' Compensation Act*, administrative law, Workers' Compensation Board policies, medical conditions and occupations characterized by specific injuries. The terms are organized into headings which may be broken down into various levels of subheadings. At each level, the decision number of the decisions which have been assigned that particular heading or subheading are indicated.

Annotated Statute (consolidated Annotated Statute, Monthly Annotated Statute, cumulative Annotated Statute)

These indices allow the user to search for Tribunal decisions that deal with specific sections of the *Workers' Compensation Act*, its regulations, or any other statute that has been referred to in Tribunal decisions.



Index to Section 15 Cases

Section 15 of the *Workers' Compensation Act* gives the Tribunal exclusive jurisdiction to determine whether a plaintiff's right of action for a work-related injury is taken away by the Act. This index lists Tribunal decisions which deal with applications under section 15, according to the subject matter involved. Some relevant court decisions are also included. This index would be of particular interest to lawyers who normally do not act on compensation matters, but practise in the personal injury field.

Keyword Guide

This publication previously was not available for general distribution. However, it was available in the Tribunal Library under the name of "Permuted Keyword Index". The Keyword Guide allows the user to determine whether or not a certain word occurs in the Keyword Indices. For those words that do appear in the Keyword Indices, the Keyword Guide lists all of the keyword terms which contain that word.

WCAT Reporter

The Reporter is published by the Tribunal in conjunction with Carswell Legal Publications. It contains headnotes and the full text of selected

Tribunal decisions which cover a broad range of compensation issues. Each volume of the Reporter includes tables of: decisions considered, statutes and regulations considered, medical and legal literature considered, and Board policies considered. Volume 9 contains a cumulative keyword index covering the first nine volumes. Tribunal Practice Directions are also published in the Reporter.

Compensation Appeals Forum

The Forum is a journal designed to stimulate a dialogue in compensation-related matters. It contains analytical comment concerning the Tribunal's decisions and processes or general compensation principles.

The Forum is not strictly speaking a research tool, but may, on occasion, provide insights that will provide a useful background before undertaking in depth research of Tribunal decisions relating to a particular subject. Some articles will provide analysis and a review of the leading decisions on a subject with which the reader may otherwise be unfamiliar, or provide a fresh perspective on an old problem. Other articles may comment on specific processes that are relevant to Tribunal hearings generally, or on the way the matter is handled in other jurisdictions.

Decision summaries and indices are prepared for convenience only. The full text of the decisions should be consulted for more authoritative reference.

DATABASES

In-house service

The Tribunal Library has created its own database which is available for public use. The database contains summaries for all Tribunal decisions. The summaries can be accessed by searching keywords, *Workers' Compensation Act* sections, decision dates or panel members' names. Library staff is available to assist in conducting searches.

WCAT Online

This full-text database features the use of BASIS, a powerful text retrieval system that offers full Boolean logic. From their own offices, WCAT Online subscribers can conduct computer-assisted research of the full text of all Tribunal decisions as well as of the corresponding keywords and summaries. Other fields that can be researched include: decision number, panel, decision date, hearing date, WCAT decisions considered, court cases considered, sections of the *Workers' Compensation Act* or its regulations considered,

other statutes considered, Board Directives and Guidelines considered, and WCAT Practice Directions considered.

WCAT Online is administered by Southam Business Information and Communications Group Inc. Anyone wishing to subscribe to this service should contact:

Mr. Dennis Ablett
Southam Business Information and
Communications Group Inc.
1450 Don Mills Road
Don Mills, Ontario
M3B 2X7
(416) 445-6641.

CASE LAW

CASE LAW is a database of Canadian occupational health and safety case law originating in judicial and quasi-judicial forums. It includes summaries of all Tribunal decisions and is available on CCINFOline and on CCINFOdisc. A search of this database would be appropriate when the searcher wishes to expand the scope of the search beyond just Tribunal decisions. Searches of Tribunal decisions alone can also be conducted by restricting the search to the appropriate field. For more information about subscriptions to this service, contact:

CCINFO HELPLINE: (416) 572-4444
or 1-800-263-8340.

RESEARCH GUIDE

Search By Keyword

Once you have determined the specific issue that you wish to research, the first step is to identify the keyword terms which the Tribunal uses to classify decisions dealing with that issue.

Keyword terms may consist of several words and several levels of subheadings. As the Keyword Indices are organized alphabetically by the first word of the heading, if the word being searched is buried within the heading or appears only in a subheading, that word would be difficult to locate solely by examining the Keyword Indices. That is why it is advisable to refer first to the Keyword Guide. It is an alphabetical list of all the important words which appear in the keyword terms. For each such word, a list is given of every keyword term which contains that word. The Keyword Guide is cumulative and is updated periodically.

Statutory amendments, shifting interpretations of the legislation and new concepts emerging from the decisions, have all required refinement of existing keyword terms and the addition of new ones. Therefore, similar subject areas may have been classified slightly differently at various stages in this evolutionary process. The Keyword Guide may be useful in identifying all the related variations in the keyword terms. In the Keyword Guide, if a keyword term is marked with a single asterisk, this signifies that it appeared only in the Keyword Index of Decisions Volume 1. This may mean that there was a change in the keyword terms and that the new terms must

also be found. Keyword terms marked with a double asterisk appeared in both Volume 1 and Volume 2 of the Keyword Index of Decisions.

Having identified the relevant keyword terms, you can now consult the Keyword Indices to identify the decisions which have been classified under those terms. There are three Keyword Indices that must be consulted. The Keyword Index of Decisions Volume 1 covers decisions released up to March 21, 1988. All subsequent decisions are covered by the cumulative Keyword Index. The Monthly Keyword covers decisions released since the latest publication of the cumulative Keyword Index.

Cross-references are provided in the Keyword Indices. If a keyword term is followed by an instruction to "See" another keyword term, it means that only the other keyword term is in use. If the cross-reference instructs you to "See also" another keyword term, it means that both terms are in use. Despite the presence of the cross-references, it is always wise for you to consider whether there may be other related terms that should also be searched. Once again, the Keyword Guide may be of assistance. It provides a quick source for determining the presence of alternative words in the keyword terms.

Once you have identified the relevant decisions from the Keyword Indices, you can locate the summaries which correspond to those decisions by consulting the Table of Cases segment in the latest release of the Decision Digest Service and

the Master List of Decisions. Summaries for decisions released up to December 1989 are found in the Numerical Index of Decisions which consists of seven consolidated volumes. Decisions released subsequently are found in the Decision Summaries segment of the Decision Digest Service.

The order in which decisions appear in the Master List of Decisions and the Table of Cases is determined by a combination of decision number and year of hearing. Decisions heard in 1987, or subsequently, have a suffix indicating the year that the hearing was held. All decisions without a year suffix appear first, in the order of decision number. Then all decisions with the year suffix "/87" are listed in order of decision number, followed by all decisions with the year suffix "/88" and so on. Decisions which have identical decision numbers and year suffixes, but different letter suffixes (such as I, F, or L), are listed consecutively in release date order.

If the Master List of Decisions or Table of Cases gives a WCAT Reporter citation for the decision, you may go directly to the Reporter as it will have both the full text of the decision and a headnote. If only a Numerical Index or Decision Digest Service citation is given, then you can read the summary and determine from that whether the full text of the decision is required. The full text of the decision can be obtained in person at the Tribunal Library or can be ordered by telephone or facsimile machine from Publications.

Search by Section Number

Searches can be conducted that will find Tribunal decisions dealing with specific sections of the *Workers' Compensation Act* or its regulations. A complete search requires you to look in all volumes of the Annotated Statute. Volume 1 and Volume 2 are bound together in one consolidation. Volumes 3 to 7 are found at the back of the corresponding volumes of the Numerical Index of Decisions and Annotated Statute. The cumulative Annotated Statute (found in the Cumulative Index binder) and the Monthly Annotated Statute segment of the Decision Digest Service must also be searched.

All of these annotated statute indices are arranged in order of the section numbers of the Act, followed by sections of the regulations. Sections of other statutes that have been

considered by Tribunal decisions are then listed alphabetically by statute name. Under each section you will find the decision numbers of decisions dealing with that section. You can then find the corresponding summary in the Master List of Decisions or Table of Cases as explained above under the "Search by Keyword" heading. [Note that in Volumes 1 and 2 of the Annotated Statute, for certain selected decisions, the summary is already included along with the decision number and that for the other decisions the keywords are included. This practice was discontinued in the subsequent annotated statute indices so that only the decision number is indicated.]

Initially, the mere reference to a statutory provision was deemed sufficient to merit inclusion of that decision in the annotated statute indices. More recently, however, we have begun to be more selective so that only those decisions which actually consider the section in some substantial way are included. Be aware that some decisions deal with the subject matter of a statutory provision without expressly referring to the section. Such decisions may not be found in the annotated statute indices. To find these decisions, do a search of the relevant keyword terms that have been derived from the statute. [The Keyword Guide will be helpful in identifying the relevant keywords.]

Section 15 Searches

The Section 15 Index covers decisions relating to applications by parties to court actions for a determination of whether the right to bring the action has been taken away by the *Workers' Compensation Act*. The issues in these decisions usually involve consideration of whether one or more of the parties to the action is a "worker" or "employer" within the meaning of the Act, or whether a party who is a "worker" suffered a personal injury by accident "arising out of and in the course of employment". Questions as to the general or territorial jurisdiction of the Board and Tribunal may also be involved.

When conducting a Section 15 search, first consult the "Table of Subject Index Headings" to determine which headings may be applicable to the issue that you are researching, then, by looking under those headings in the "Subject Index", you will find listed the relevant Tribunal decisions and some applicable court decisions.

PUBLICATION ORDER FORM

Please check desired option:

☐ **ONE YEAR PACKAGE SUBSCRIPTION (Jan. - Dec.31) - \$150.00**

Consists of:

- **WCAT Reporter**
- **Decision Digest Service**
- **Cumulative Index**

The items listed above are available individually:

☐ **WCAT REPORTER** - One year subscription (4 issues) - **\$85.00**

☐ **INDICES PACKAGE** - Decision Digest Service
and Cumulative Index - **\$75.00**

Also available:

☐ **KEYWORD GUIDE** - **\$15.00**

Copies of the full text of decisions not included in the **WCAT Reporter** are available by calling the Information Department (416) 598-4638 extension 205. Cost: \$2.50 each plus a photocopying charge of \$.15/page.

The Tribunal also produces an annual cumulation of its decisions on Microfiche, in limited quantities. Price available upon request.

Computer-assisted research of the full text of all Appeals Tribunal decisions is available through **WCAT ONLINE**. This service is provided by Southam Business Information and Communications Group Ltd. Contact Mr. Dennis Ablett at Southam for details (416) 442-2171.

ADDITIONAL PUBLICATIONS - Please check desired option(s)

☐ **Compensation Appeals Forum** (No Charge)

The Forum is a journal containing articles that relate to Tribunal decisions and processes or to general compensation principles

☐ Appeals Tribunal Annual Report (No Charge)

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